

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 5, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Major Poindexter and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Trevor Vance, Bart Herriman, Mark Webb, Rob Lundstrom, Jim Purucker, Terry Johnson, Nicole Upano and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 21, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the May 5, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred ninety-one (291) renewals approved, thirty-five (35) new and/or transfer permits approved, thirteen (13) permits approved for catering, four (4) permits approved for first year escrow, two (2) permits approved for second year escrow, six (6) permits approved for third year escrow, and three (3) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL67-25751 PHILLMORE MARKET CORORATION, D/B/A HOOSIER PETE – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL67-19658 L @ L PROPERTIES/CONSTRUCTION LLC, D/B/A BP CONVENIENT FOOD STORE – Commissioner Guthrie noted this is a type 115 transfer of ownership with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated this is a matter of two corporations owned by husbands and wives, who have worked together for years, but have had a disagreement. Through arbitration, it was decided that the applicant would receive the permit. However, before the local board hearing occurred, there was an altercation where the applicant choked the permittees and criminal charges are pending. The local board stated there was a total lack of understanding of how to run an alcohol business and lack of proper character on the part of the applicant.

Commissioner Guthrie moved to uphold the local board and disapprove the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR84-25809 AND RR84-25812 HWY 40 SPORTS BAR, INC. – Commissioner Guthrie noted this is a new type 103 application and a new type 210-1 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the Excise officer, who sits on the board, said the location of this premise is within 50 feet of a church.

Commissioner Guthrie moved to uphold the local board and disapprove the new permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-24236 RESTAURANT LA CONSTENITA ENTERPRISES, INC. – Commissioner Guthrie noted this is a new type 112 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

RR49-10603 ISLAND CAFÉ, INC. – Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RC45-06255 UNION BENEFICA MEXICANE – Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-20584 DRAGAN KUTANOVSKI - Commissioner Guthrie moved to reactivate this permit. This is an underlying permit for a type 210-1 permit. It was made inactive in error. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DI49-12498 NATIONAL RAILROAD PASSENGER CORP. – Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS REVOKED – Vice Chairman Johnson stated fifty-five (55) permittees were a sent notice to appear before the Commission on this date, regarding the revocation of their permit. None of the permittees appeared at the meeting, and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

BJ'S RESTAURANT AND BREWHOUSE – Bart Herriman, attorney for the permittee, appeared before the Commission requesting that his client, who has a type 210-1 permit without carry-out privileges, be able to trade permits with another permittee for a type 210 permit with carry-out privileges.

Commissioner Guthrie moved to approve this request, stating that transfers would have to be filed and processed through the normal channels, including the local board. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER